

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1520 OF 2003

IN

FIRST APPEAL ST.NO. 35674 OF 1998

The State of Maharashtra

.... Applicant

Vs.

Mr. Raghunath Dhansing Labhan Respondent

Mr. S.V. Gajare, AGP for the State

CORAM : A.S. OKA, J.

DATE : 14TH DECEMBER, 2007

P.C.

1) Heard learned AGP for the Applicant.

2) The challenge in the Appeal is to the judgment and Award dated 23rd March 1988 passed by the Trial Court in a Reference under Section 18 of the Land Acquisition Act, 1984. For a period of more than 9 years, there is no stay operating in favour of the Applicant. Moreover, enhancement granted is only in the sum of Rs.7523/-.

3) Considering these peculiar facts, no case is made out for grant of stay. Application is rejected.

3) It is made clear that withdrawal of the compensation amount by the claimant will be subject to final outcome of the Appeal.

(A.S. OKA, J.)